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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,426	07/24/2003	Edward B. Knudson	UV-34 Cont 4	2337

1473 7590 07/19/2007

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EXAMINER	
ONUAKU, CHRISTOPHER O	
ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
07/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,426	KNUDSON ET AL.	
	Examiner	Art Unit	
	Christopher Onuaku	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/28/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4,9&10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 6,665,869) in view of Nishigaki et al (US 5,825,968).

Regarding claim 1, Ellis et al disclose systems that support an interactive television program guide application and non-guide applications, including in which non-guide applications can use both device resources and program guide resources, comprising:

a) means for receiving television program guide information for use in the interactive television program guide, and means for selecting a program for recording from the interactive television program guide (see col.5, lines 25-30);

b) means for determining whether the selected program is copy protected (see col.5, lines 38-40).

Ellis et al fail to explicitly disclose means for displaying a message informing a user that the selected program may not be recorded upon determining that the selected is copy protected. Nishigaki et al teach recording devices, including a device for

controlling and selectively inhibiting a recording operation of an information carrying signal on a recording medium in a video tape recorder (VTR) for example, based on detection of a copy inhibiting signal transmitted along with the information carrying signal, wherein if a copy inhibiting signal is detected in a program to be recorded, a stop message is displayed informing the user that the program is copy protected and can not be recorded, and the program recording is stopped (see col.7, line 66 to col.8, line 10.

Displaying a message informing a user that a selected program may not be recorded upon determining that the selected program is copy protected provides the desirable advantage of providing a display of an advanced warning to a user that a selected program can not be recorded because the selected program is copy protected, whereby, for example, the user may then select an alternate program to record.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ellis et al system by realizing the Ellis et al system with the means to display a message informing a user that a selected program may not be recorded upon determining that the selected program is copy protected, as taught by Nishigaki et al, since this provides the desirable advantage of providing a display of an advanced warning to a user that a selected program can not be recorded because the selected program is copy protected, whereby the user may then select an alternate program to record, for example.

Regarding claim 2, the claimed limitations of claim 2 are accommodated in the discussions of claim 1 above.

Regarding claim 3, the claimed limitations of claim 2 are accommodated in the discussions of claim 1 above, including a video recorder (see video cassette recorder 26 of Fig.1 of Ellis et al).

Regarding claim 4, the claimed limitations of claim 4 are accommodated in the discussions of claim 1 above, the claimed machine-readable medium (see the VCR in the VCR/TV system of Ellis et al in Fig.1).

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claims 1&5 above; except, wherein the control circuitry directs the tuner circuitry to tune to the selected program with copy protection (see Ellis et al, col.5, lines 34-45). Additionally, Nishigaki et al teach the messaging function wherein when a program selected to be recorded is copy protected, a message is displayed to show that the program is copy protected, and the recording function may be stopped (see col.8, lines 3-10). Ellis and Nishigaki fail to explicitly disclose wherein the control circuitry is configured to direct the display circuitry to display a message offering the user the selected program for purchase at a price for the program without/with copy protection when the program is selected for recording/viewing, respectively. However, this would have been an obvious engineering design consideration depending on the circuit at hand.

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 6 above.

3. Claims 5-8,11&12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 6,665,869).

Regarding claim 5, Ellis et al disclose systems that support an interactive television program guide application and non-guide applications, including in which non-guide applications can use both device resources and program guide resources, comprising:

a) means for receiving television program guide information for use in the interactive television program guide, and means for selecting a program for recording or for viewing from the interactive television program guide (see col.5, lines 25-30);

b) means for displaying the interactive television program guide (see television equipment 22; col.3, line 66 to col.4, line 7);

c) means for receiving the selected program with copy protection (see col.3, lines 57-65);

d) means for offering the selected program for purchase at a price for the program without copy protection when the program is selected for recording (see Fig.2, circuitry 50; col.5, lines 45-61), here circuitry 50 handles pay program purchasing information and in col.5, lines 34-45, circuitry 50 also can remove copy protection. Official Notice is taken that It would have been obvious to offer for purchase at a price

programs without copy protection when the program is selected for recording, for example, in order, for example, to improve the sales capability of the Ellis et al system;

e) means for i) removing the copy protection from the selected program (see col.5, lines 34-54); ii) providing the selected program without copy protection (see col.5, lines 25-30); iii) directing the video recorder to record the selected program when the program is purchased at the price for the program without copy protection (see col.5, lines 25-30), here Official Notice is taken that it would have been obvious that VCR 26 would be directed to record a television program if the program is not copy protected since the program to be recorded is not copy protected and therefore does not need any special permission or the removal of the copy protection, for example;

Ellis et al fail to explicitly disclose the means for offering the selected program for purchase at a price for the program with copy protection when the program is selected for viewing and means for providing the selected program with copy protection when the program is purchased at a price for the program with copy protection. However, this would have been an obvious engineering design consideration depending on circuit at hand.

Regarding claim 6, Ellis et al fail to explicitly disclose wnerein the price for the program without copy protection is more than the price for the program with copy protection. However, this would have been an obvious engineering design consideration depending on circuit at hand.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 5 above.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 6 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 5 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 6 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wonfor et al (US 6,381,747) teach a method of controlling copy protection in digital video networks where it is desired to copy protect an analog or digital video output signal associated with a digital video network.

Horlander et al (US 6,650,824) teach systems for communicating between multiple electronic devices, such as consumer electronic devices, via interconnections such as digital data buses.

Quan (US 5,953,417) teaches a method and apparatus for processing a video signal, including removing (defeating) effects of copy protection signals from video a signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

COO

7/6/07.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600